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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,083	11/08/2000	Toshiki Kindo	43890-463	9891

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2177

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DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,083

Applicant(s)

KINDO ET AL.

Examiner

Greta L. Robinson

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2177

DETAILED ACTION

1. Claims 1-12 are pending in the present application.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “multi-leveled retrieval request” [note independent claims 1 and 4] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figs. 1-3 for elements 3, 36, 21-26, 310, 320, and 330 as described in the specification. Placing a label with a written description would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each numbered element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant

Art Unit: 2177

may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Note the limitation of dependent claim 3 is a repetition of elements in parent claim 1 note step "c".

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

Art Unit: 2177

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1-12, the specification does not adequately describe how a multi-leveled retrieval request for tags tagged to an image is entered.

Applicant states in the disclosure that a signal is entered in a menu entry section; but has not defined what a retrieval request signal consists of and how it equates to a multi-level retrieval request [see specification page 3 lines 21-27; page 6 lines 26-27]. It is unclear as to how the data is entered and how it equates to Applicant's use of the term signal.

Applicant describes element 330 in figure 3 as indicators "graduated in multi level by which the importance of each keyword is indicated, and a pair of buttons for each keyword: one for increasing the level of the degree of the importance, the other for decreasing it." see page 6 lines 19-22. The description is not clear. It is not clear in the disclosure if the indicators are the keywords [note page 6 lines 19-22] or if there is some type of user interface element that indicates a value of measurement. The disclosure does not appear to describe what is meant by the term necessity signal, class, and the calculation of the degree of necessity see page 8 lines 8-10, and page 10 lines 8-14.

7. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2177

Regarding claims 1 and 4, the following limitation lacks proper antecedent basis: “the retrieval request” [see claim 1 lines 5-6; claim 4 line 7].

Regarding claims 1 and 4, the following claim language is vague: “evaluating an user’s necessity for the image” [see claim 1 line 5; claim 4 line 6].

Regarding claim 1, the following limitation is vague and unclear: “searching the image” [see claim 1 line 7]. The term searching an image does not appear logical. The preamble states a method of retrieving an image from one of an information storage medium and an information network; therefore the system would search the storage medium or information network for the image.

Regarding claims 1 and 4, the following claim language is vague: “a number of the request”. How is the number of the request determined, and is the request the same as the multi-leveled request?

Claims 2-3 and 5-12 are rejected based on dependency.

8. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the preamble of the claim and the body of the claim. Note claim 1 states, a method of retrieving an image from one of an information storage medium and an information network; therefore the system would search the storage medium or

Art Unit: 2177

information network for the image; but the body of the claim does not include limitation about the storage medium and information network. Claim 4 parallels the limitation of claim 1; therefore it is rejected under the same rationale. Claims 2-3 and 5-12 are rejected based on dependency.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

Hoffman US Patent 5,761,655

Wang et al. US Patent 5,802,361

Jain et al. US Patent 5,983,237

Shibazaki US Patent 6,012,069

Higashio US Patent 6,070,161

Nelson et al. US Patent 6,243,713 B1

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta Robinson whose telephone number is (703)308-7565. The examiner can normally be reached Monday through Friday from 9:30 AM to 6:00 PM.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached at (703)305-9707.

Any response to this action should be mailed to:

Art Unit: 2177

Commissioner of Patents and Trademarks

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or faxed to:


(703)746-7239, (for formal communications; please mark "EXPEDITED

PROCEDURE") **Or:**

(703)746-5657, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-9600.



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson

Primary Examiner

March 28, 2003